

HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID LAHOTI, an individual,

Plaintiff/Counterclaim  
Defendant,

v.

VERICHECK, INC., a Georgia corporation,

Defendant/Counterclaim  
Plaintiff.

Case No.: C06-1132JLR

DEFENDANT'S MOTION FOR  
ATTORNEYS' FEES

Note on Motion Calendar:  
February 22, 2008

Defendant/Counterclaim Plaintiff Vericheck, Inc. respectfully moves for an award of its attorneys' fees, pursuant to RCW § 19.86.090 and 15 U.S.C. § 1117(a), in the amount of \$3.896.00. This Motion is supported by the Declaration of Shannon M. Jost, submitted herewith, and the Invoices attached to same.

After the Court issued Findings of Fact and Conclusions of Law and entered Judgment in favor of Defendant/Counterclaim Plaintiff Vericheck, Inc. on all claims on December 3, 2007, Plaintiff/Counterclaim Defendant David Lahoti moved to stay the Court's order pending appeal. On January 28, 2008, the Court denied Mr. Lahoti's Motion. The Court awarded Vericheck its attorneys' fees and costs in connection with the defense of the Motion for Stay, and gave allowance of leave for Vericheck to submit a tabulation of its attorneys' fees. Order Denying Motion to Stay Pending Appeal Issued January 28, 2008 (Dkt. 100). The Court referenced its

1 earlier ruling in which it determined that Vericheck is entitled to its attorneys' fees both under  
2 the Washington CPA, and because Vericheck prevailed on its trademark claims under the  
3 Lanham Act, 15 U.S.C. §§ 1125(a) and (d), and this is an "exceptional case" under 15 U.S.C.  
4 § 1117(a). *Id.*, referencing Findings of Facts and Conclusions of Law Issued December 3, 2007  
5 (Dkt. 81).

6 Defendant attaches as Exhibit A to the Declaration of Shannon Jost true and correct  
7 redacted copies of Stokes Lawrence, P.S.'s invoices to Vericheck, reflecting the attorneys' fees  
8 incurred by Vericheck in connection with this Motion. As indicated in the supporting Jost  
9 Declaration, Vericheck believes these fees to be fair and reasonable for the time incurred and the  
10 nature of this matter.

11 Vericheck respectfully requests that Defendant/Counterclaim Plaintiff be awarded the full  
12 amount of its attorneys' fees, namely, \$3,896.00.

13 DATED this 4th day of February, 2008.

14 STOKES LAWRENCE, P.S.

15  
16 By: /s/ Shannon M. Jost  
17 Shannon M. Jost (WSBA #32511)  
18 Attorneys for Defendant VERICHECK,  
19 INC.  
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